

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CRIMINAL MINUTES - SENTENCING HEARING

Case No.: 4:09CR00028-1

Date: 11/17/09

Defendant: GUSTAVO CARDENAS (Custody)

Counsel: Randy V. Cargill, Esq. (FPD)

PRESENT:	Judge:	Hon. Jackson L. Kiser
	Deputy Clerk:	Heather McDonald
	Court Reporter:	Judy Webb
	AUSA:	R. Andrew Bassford, Esq.
	USPO:	Kristy Burton
	Interpreter:	None
	Case Agent:	Dave High, DEA

LIST OF WITNESSES

GOVERNMENT:

- 1.
- 2.
- 3.
- 4.

DEFENDANT:

- 1.
- 2.
- 3.
- 4.

PROCEEDINGS:

- (X) No Objections to Presentence Report.
- () Court inquires as to Obj(s) to Presentence Report made by () USA () Defendant.
Court () overrules () grants Objection(s).
- (X) Court adopts Presentence Report and accepts Plea Agreement.
- (X) Government Motion for Substantial Assistance.
Court (X) grants () denies
- () Defendant Motion for Downward Departure/Variance.
Court () grants () denies
- (X) Allocutions

SENTENCE IMPOSED AS FOLLOWS:

CBOP: 30 months
PROB: None
SR: 4 years - comply w/Standard, Mandatory & Special Conditions
SA: \$100.00 due immediately
FINE: Waived
REST: None

- (X) Court recommends as follows:
- (X) That Defendant participate in the Residential Drug Treatment Program while imprisoned.
- () That Defendant be housed at.

SPECIAL CONDITIONS (Check applicable conditions):

- (X) The defendant shall participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.**
- (X) The defendant shall not purchase, possess, use or administer any alcohol, or frequent any businesses whose primary function is to serve alcoholic beverages.**
- (X) The defendant shall reside in a residence free of firearms, ammunition, destructive devices and dangerous weapons.**
- (X) The defendant shall submit to warrantless search and seizure of person and property as directed by the probation officer, to determine whether the defendant is in possession of firearms, alcohol, or illegal controlled substances.**
- (X) The defendant shall pay any fine, special assessment or restitution that is imposed by this judgment.**
- () The defendant shall not incur new credit charges or open additional lines of credit without the approval of the supervising officer.**
- () The defendant shall provide the probation officer with access to any requested financial information.**
- () The defendant shall be prohibited from engaging in certain banking activities pursuant to 12 U.S.C. § 1829(a).**
- () The defendant shall perform hours of community service to be worked out with and approved by the supervising officer.**
- () The defendant shall participate in the Home Confinement Program under home detention for a period of months and shall abide by all program requirements. The defendant is restricted to his/her residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; or other activities pre-approved by the probation officer.**
- () While under home detention, the defendant shall submit to electronic monitoring and shall pay the costs of the electronic monitoring service.**
- () Within days of release on , the defendant shall register with the VA Dept. of State Police, Sex Offender Registry. The defendant shall also notify this agency within 30 days of any change of residence.**
- () Upon release from imprisonment, the defendant shall be delivered to an authorized immigration official for deportation proceedings and shall remain outside of the United States.**

PAYMENT SCHEDULE:

- () A lump sum payment of is due immediately, and during the term of imprisonment, payment in equal installments of \$ or % of the defendant's income, whichever is greater, to commence days after the date of this judgment; and payment in equal installments of during the term of supervised release, to commence days after release from imprisonment.

ADDITIONAL RULINGS:

- () Defendant shall forfeit his interest in the property listed in the Order of Forfeiture entered on .
- () Order of Forfeiture shall be made a part of the judgment in this case.
- () Defendant shall be permanently ineligible for all federal benefits.
- (X) Count 2 dismissed on Government Motion.
- (X) Defendant advised as to right to appeal.
- (X) Defendant remanded to custody.
- () Defendant to remain on bond and self report:
- () to the U. S. Marshal no later than on .
- () to the institution designated by the Bureau of Prisons as directed by the U. S. Marshal.
- () to the institution designated by the Bureau of Prisons as directed by the U. S. Probation Office.

TIME IN COURT: 11:01 - 11:15 = 0:14